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FEDERAL ELECTION
COMMISSION

2016 JUL -6 AM 11: 51

June 28, 2016

OFFICE OF GENERAL
COUNSEL

Carol A. Laham
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claham@wileyrein.com

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Mary Beth DeBeau, Paralegal
999 E Street NW
Washington, DC 20463

Re: MUR 7084

Dear Ms. DeBeau:

This office represents ThunderCat Technology, LLC ("ThunderCat") in the above-captioned matter. Enclosed please find a signed designation of counsel form on behalf of ThunderCat designating this firm to represent it (Attachment A).

We are responding to the Federal Election Commission's ("Commission" or "FEC") June 15, 2016 letter wherein you provided ThunderCat a copy of a Complaint filed by Lisa Clarkson "against Scott Taylor, individually, and Scott Taylor for Congress, John G. Selph, in his official capacity as treasurer; and Special Operations OPSEC Political Action Committee and Education Fund, Michael Smith, in his official capacity as treasurer, and Scott W. Taylor in his capacity as President and sole controlling member." ("Complaint") Your letter also states that the Complaint indicates that ThunderCat, LLC itself may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). For the reasons outlined below, ThunderCat did not violate the law, and the Commission should dismiss this matter with respect to ThunderCat.

I. Factual Background.

The Complaint alleges that Respondent Scott Taylor "has a pattern of violating federal law," and suggests that part of that pattern is that Mr. Taylor "solicits and accepts contributions from government contractors." The sole basis for this allegation is the Scott Taylor for Congress FEC report, which, as required by law, discloses that occupation and employer of contributors to the campaign. Specifically, the Complaint indicates that on page 17 of the Scott Taylor for Congress April 2016 Quarterly FEC, ThunderCat is identified as the employer of David Mutzabaugh, who apparently made a contribution to the Scott Taylor for Congress Campaign. The Complaint does not allege that ThunderCat itself made a contribution to the Scott Taylor for Congress Committee, and it did not.



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II. The Complainant Misunderstands the Law Applicable to Employees of Government Contractors.

The Complainant apparently is unaware that there is nothing wrong with employees of Government contractors making contributions to campaigns out of their own personal assets. While 52 U.S.C. § 30119 of the Act states that

It shall be unlawful for any person –

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use;

the FEC regulations explain that

Nothing in this part shall prohibit the stockholders, officers, or employee of a corporation, or the members of an unincorporated association, cooperative, membership organization labor organization, or other group or organization which is a Federal contractor from making contributions or expenditures from their personal assets.

11 C.F.R. § 115.6. Thus, it is very clear that individuals who are not themselves government contractors may make contributions to federal candidates. Upon receipt of this Complaint, ThunderCat learned that Mr. Mutzabaugh, a ThunderCat employee made a contribution to the Scott Taylor for Congress Committee. Mr.

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Mutzabaugh provided a copy of a letter sent to the FEC (Attachment B) which confirms that his contribution was made with his private funds. This contribution is not attributable to ThunderCat, and ThunderCat itself made no contribution to the Scott Taylor for Congress Committee.

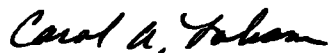
III. Mr. Mutzabaugh is Not the "Head" of ThunderCat

The Complaint incorrectly asserts that Mr. Mutzabaugh is "easily identified as [the] head[]" of ThunderCat. In fact, Mr. Mutzabaugh, whose title is listed in the Complaint as Navy Accounts Manager, is one of 16 current Account Managers at ThunderCat. He (along with the 15 other Account Managers) reports to the Senior Vice President of Sales, who in turn reports to President and CEO of ThunderCat, Tom Deierlein, <http://www.thundercattech.com/about-us/meet-the-ceo/>. Mr. Deierlein is the "head" of ThunderCat. Neither Mr. Deierlein nor anyone else at ThunderCat was aware of Mr. Mutzabaugh's contribution until receipt of the Complaint.

IV. The Commission Should Find No Reason to Believe ThunderCat Violated the Law and Should Dismiss the Matter.

ThunderCat was identified in this Complaint as the employer of an individual who made a personal contribution to the Scott Taylor for Congress Committee. The contribution, which Mr. Mutzabaugh confirms he made in his individual capacity, is neither a contribution by a government contractor nor a contribution by ThunderCat. ThunderCat itself made no contribution to Scott Taylor for Congress. Therefore, the FEC should find no reason to believe a violation occurred and should dismiss this matter as it relates to ThunderCat.

Sincerely,



Carol A. Laham

Attachments

ATTACHMENT A

130044400120



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 7084

Name of Counsel: Carol A. Laham

Firm: Wiley Rein LLP

Address: 1776 K Street, NW

Washington, DC 20006

Telephone: (202) 719-7301 Fax: (202) 719-7049

E-mail: claham@wileyrein.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/23/16
Date

Therese J. Markle
Signature (Respondent/Agent)

CEO
Title

RESPONDENT: ThunderCat Technology, LLC
(Committee Name/ Company Name/ Individual Named in Notification Letter)

Mailing Address: 1925 Isaac Newton Square, Suite 180
(Please Print)

Reston, VA 20190

Telephone (H): (W):

E-mail:

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

1-30-44-100-1

June 21, 2016

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Mary Beth deBeau, Paralegal
999 E Street, NW
Washington, DC 20463

Re: MUR 7084

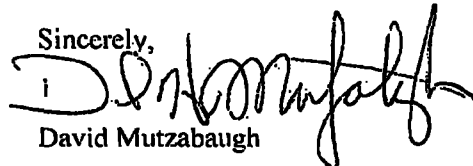
Dear Ms. deBeau:

I am responding to Mr. Jordan's June 15, 2016, letter enclosing a complaint against Scott Taylor, Scott Taylor for Congress, John G. Selph as Treasurer, and Special Operations OPSEC Political Action Committee and Education Fund, Inc, and its Treasurer, Michael Smith. I am not identified as a respondent in the letter. However, my name does appear as a contributor to the Scott Taylor for Congress Committee. Specifically, the complaint suggests that the candidate solicited and accepted contributions from government contractors and identifies me as a government contractor. The complaint is mistaken.

I gave these funds in my personal capacity because Scott Taylor is a Navy Seal, and I believe there should be more veterans in Congress. Although I work for a Government Contractor, ThunderCat Technology, my donation was purely as a private citizen. My employer had absolutely nothing to do with this donation. I myself am not a government contractor. I have reviewed the FEC regulations. They state that a government contractor is a person who "[e]nters into any contract with the United States or any department or agency thereof either for - (i) The rendition of personal services; or (ii) Furnishing any material, supplies, or equipment; or (iii) Selling any land or building." 11 C.F.R. § 115.1. I personally do not have any contract with the United States or any agency of the United States. I am therefore not a government contractor as defined by the regulations.

Moreover, the regulations go on to state that "[n]othing in this part shall prohibit the stockholders, officers, or employee of a corporation, or the members of an unincorporated association, cooperative, membership organization labor organization, or other group or organization which is a Federal contractor from making contributions or expenditures from their personal assets." 11 C.F.R. § 115.6. While I am an employee of ThunderCat Technology, the law clearly allows me to make a contribution from my personal assets, and that is what I did.

Thus, I would ask the FEC to dismiss the Complaint against me.

Sincerely,

David Mutzabaugh